

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
CHUN-TE YU et al.

Serial No.: 10/671,659

Filed: SEPTEMBER 29, 2003

For: PADLOCK

Group Art Unit: 3676

Examiner: GALL, LLOYD A



* 2 5 8 6 4 *

25864

PATENT TRADEMARK OFFICE

CERTIFICATE OF TRANSMISSION VIA ONLINE

I hereby certify that this correspondence is being transmitted via online to:

Attn: Mail Stop Petition
Commissioner for Patents
Examiner: Gall, Lloyd A.
Group Art Unit: 3676

Dated: June 15, 2007

A handwritten signature in black ink, appearing to read 'Shirley Hsu', written over a horizontal line.

Shirley Hsu

If any fee is believed to be due, the Commissioner is authorized to charge any fees required in connection with the filing of this paper to account 500314.

PETITION TO CLAIM BENEFIT OF A PRIOR PROVISIONAL PATENT

APPLICATION UNDER 35 U.S.C. § 119(e)

Pursuant to 37 C.F.R. § 1.78 and 35 U.S.C. § 119, Applicant hereby petitions for allowance of this non-provisional patent application to claim the benefit of a prior U.S. provisional patent application. The prior U.S. provisional patent application is as follows:

Title: "DIAL LOCK WITH IMPROVED COMBINATION RESET"

Application Number: 60/443,331

Filed: January 29, 2003

Inventor: Cory O. Nykoluk

Assignor: Cory Nykoluk

Assignees: Cerf Bros. Bag Co.;
Fullyear-Brother Enterprise Co., Ltd.; and
Chun-Te Yu

Reel/Frame: 016359/0941

Pursuant to 37 C.F.R. § 1.78(a)(6), the reference required by 35 U.S.C. § 119(e) and 37 C.F.R. § 1.78(a)(5) to the prior-filed application was previously submitted. The present non-provisional application and the prior provisional application have a common inventor, pursuant to the October 24, 2006 Petition for Correction of Inventorship regarding Application No. 10/671,659 which was granted on or about February 2, 2007.

The applicant hereby petitions to claim benefit of a prior provisional patent application under 35 U.S.C. § 119(e):

1. Petition Fee (37 C.F.R. 1.17(t))

☐ Attached is a check in the sum of:

☒ Charge account 500314 for any additional fees required or credit for any excess fee paid.

☐ Charge fee to Account No. 500314 and this is a request to charge for any additional extension and/or fee required or credit for any excess fee paid. A duplicate of this petition is attached.

☐ Form PTO-2038 (Credit Card Payment Form)

2. The supporting declarations of Mr. Chun-Te Yu [**Exhibit "A"**], first named inventor and applicant, and Mr. Cory Nykoluk [**Exhibit "B"**], second named inventor and applicant, are attached hereto.

3. A copy of the above-referenced provisional patent application No. 60/443,331 **[Exhibit "1"]** is attached hereto.

Respectfully submitted,



Charles C.H. Wu
Reg. No. 39,081
Vikram M. Reddy
Reg. No. 53,508
Attorney for Applicant

Date: June 12, 2007

LAW OFFICES OF WU & CHEUNG, L.L.P.
98 Discovery
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USPTO CUSTOMER NO. 25864

Enclosures:

Fee Payment
Declaration of Mr. Chun-Te Yu (**Exhibit "A"**);
Declaration of Mr. Cory Nykoluk (**Exhibit "B"**); and
Provisional Patent Application No.60/443,331 (**Exhibit "1"**).

EXHIBIT “A”

DECLARATION OF CHUN-TE YU

I, Chun-Te Yu, declare:

1. I am a Taiwanese citizen over the age of 18 and if called as a witness, I could and would competently testify thereto.

2. I am the president for Fullyear-Brother Enterprise Co. Ltd., an assignee of this patent application.

3. Mr. Cory Nykoluk and I are the co-inventors of the padlock invention depicted in the U.S. non-provisional patent application no. 10/671,659 (hereinafter the "'659 Non-Provisional Application"). This invention is also disclosed by a prior provisional patent application, specifically Provisional Application No. 60/443,331 (hereinafter the "'331 Provisional Application"), a true and correct copy of which is attached hereto as Exhibit "1".

4. Both the '331 Provisional Application and the '659 Non-Provisional Application concern an improved padlock with a combination dial. Both applications permit one of ordinary skill in the art to make and use said padlock without undue experimentation.

5. Cory Nykoluk and I had an agreement that we would be named as co-inventors for the '331 Provisional Application and the '659 Non-Provisional Application.

6. However, Mr. Nykoluk proceeded to file the '331 Provisional Application and inadvertently forgot to name me as a joint inventor on same.

7. I proceeded to file the '659 Non-Provisional Application and inadvertently forgot to name Mr. Nykoluk as a joint inventor on same. I also inadvertently forgot to claim benefit of the '331 Provisional Application, which I believed at the time I had been listed as a co-inventor thereon.

8. The aforementioned errors were wholly unintentional and inadvertent errors. We only managed to resolve these errors on or about February 2, 2007, and have filed the instant application as soon thereafter as was possible. The entire delay in claiming the benefit of the '331 Provisional Application was unintentional.

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9. For the foregoing reasons, I respectfully request the Commissioner's favorable consideration in granting this petition.

These statements are made with the knowledge that willful false statement and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom.

The undersigned further declares that the facts set forth in this application are true; all statements made of his own knowledge are true, and all statements made on information and belief are believed to be true.

Signed at Hsia-Nien Tsun, Fu-Hsing Hsiang, Changhu, Taiwan, this ____ day of May 2007.



Chun-Te Yu, Declarant

EXHIBIT "B"

DECLARATION OF CORY NYKOLUK

I, Cory Nykoluk, declare:

1. I am a U.S. citizen over the age of 18 and if called as a witness, I could and would competently testify thereto.

2. Mr. Chun-Te Yu and I are the co-inventors of the invention depicted in the U.S. non-provisional patent application no. 10/671,659 (hereinafter the "'659 Non-Provisional Application"). This invention is also disclosed by a prior provisional patent application, specifically Provisional Application No. 60/443,331 (hereinafter the "'331 Provisional Application"), a true and correct copy of which is attached hereto as EXHIBIT "1".

3. Both the '331 Provisional Application and the '659 Non-Provisional Application concern an improved padlock with a combination dial. Both applications permit one of ordinary skill in the art to make and use said padlock without undue experimentation.

4. Chun-Te Yu and I had an agreement that we would be named as co-inventors for the '331 Provisional Application and the '659 Non-Provisional Application.

5. However, I proceeded to file the '331 Provisional Application and inadvertently forgot to name Chun-Te Yu as a joint inventor on same.

6. Chun-Te Yu proceeded to file the '659 Non-Provisional Application and inadvertently forgot to name me as a joint inventor on same. Chun-Te Yu also inadvertently forgot to claim benefit of the '331 Provisional Application.

7. The aforementioned errors were wholly unintentional and inadvertent errors. We only managed to resolve these errors on or about February 2, 2007, and have filed the instant application as soon thereafter as was possible. The entire delay in claiming the benefit of the '331 Provisional Application was unintentional.

8. For the foregoing reasons, I respectfully request the Commissioner's favorable consideration in granting this petition.

These statements are made with the knowledge that willful false statement and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom.

The undersigned further declares that the facts set forth in this application are true; all statements made of his own knowledge are true, and all statements made on information and belief are believed to be true.

Signed at Marietta, California, this 31 day of May, 2007.

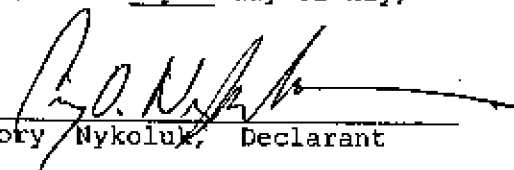

Cory Nykoluk, Declarant

EXHIBIT “1”

PROVISIONAL APPLICATION COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION under 37 CFR 1.53(b)(2).

Docket Number: CBBC 8589US
Express Mail No.: EL 791402592 US

INVENTOR(s)/APPLICANT(s)

LAST NAME	FIRST NAME	MIDDLE INITIAL	RESIDENCE CITY AND EITHER STATE OR FOREIGN COUNTRY
Nykoluk	Cory	O.	St. Louis, Missouri

TITLE OF THE INVENTION (280 characters max)

DIAL LOCK WITH IMPROVED COMBINATION RESET

CORRESPONDENCE ADDRESS

CUSTOMER NUMBER 001688

POLSTER, LIEDER, WOODRUFF & LUCCHESI, L.C.
 763 South New Ballas Road
 St. Louis, Missouri 63141

STATE	Missouri	ZIP CODE	63141	COUNTRY	U.S.A.
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ENCLOSED APPLICATION PARTS (check all that apply)

☒ Specification
☒ Drawings

Number of pages [2]
Number of sheets [7]

☒ Claiming Small Entity Status
☐ Other (specify)

METHOD OF PAYMENT

A check or money order in the amount of:

☐ \$160.00 for large entity
☒ \$80.00 for small entity

is enclosed to cover the Provisional filing fees.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17, which may be required by this paper to Deposit Account 162201. *Duplicate copies of this sheet are enclosed.*

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

☒ No
☐ Yes, the name of the Government Agency and the Government Contract Number are:

Respectfully submitted,



Date: 1-29-03

Nelson D. Nolte, Reg. No. 42,938
POLSTER, LIEDER, WOODRUFF & LUCCHESI, L.C.
763 South New Ballas Road
St. Louis, Missouri 63141

DIAL LOCK WITH IMPROVED COMBINATION RESET

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS

Fig. 1 is an exploded view of a double lock according to an embodiment of
5 the present invention;

Figs. 2A through 2F are plan views of a double lock according to an
embodiment of the present invention;

Figure 3 is a view of the double lock of the present invention showing the
bottom shackle being forced in the direction of the arrow "RESET" in order to
10 change the combination of the lock according to an embodiment of the present
invention;

Figure 4 is a view of the double lock of the present invention showing the
top lock shackle in the unlocked position according to an embodiment of the
present invention;

15 Fig. 5 is an exploded view of a single lock according to an embodiment of
the present invention;

Figs. 6A through 6F are plan views of a single lock according to an
embodiment of the present invention;

Figure 7 is a view of the single lock of the present invention showing the
20 shackle in the locked position;

Figure 8 is a view of the single lock of the present invention showing the
shackle in the unlocked position according to an embodiment of the present
invention;

Fig. 9 is a view of a double lock in a locked position according to an embodiment of the present invention;

Fig. 10 is a view of a double lock with a rotating dial in an unlocked position according to an embodiment of the present invention; and

5 Fig. 11 is a view of a double lock with a shackle rotating out of a locking dial according to an embodiment of the present invention.

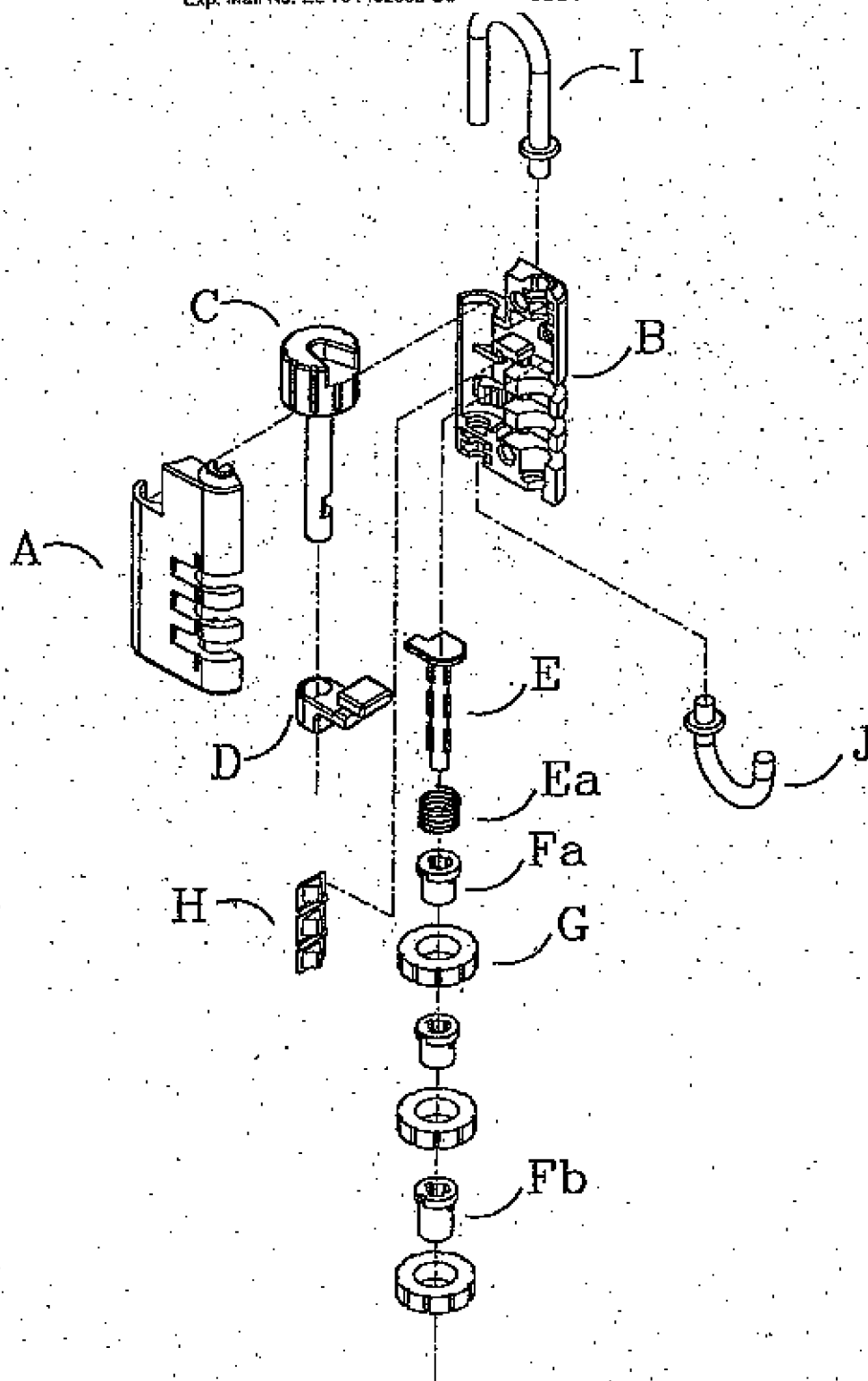
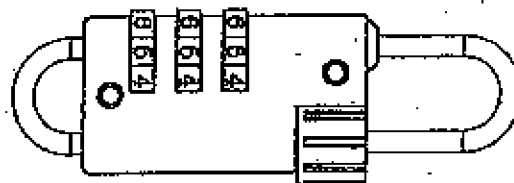
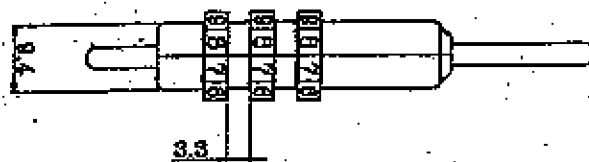
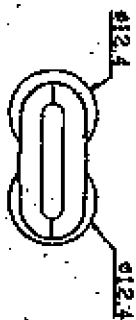
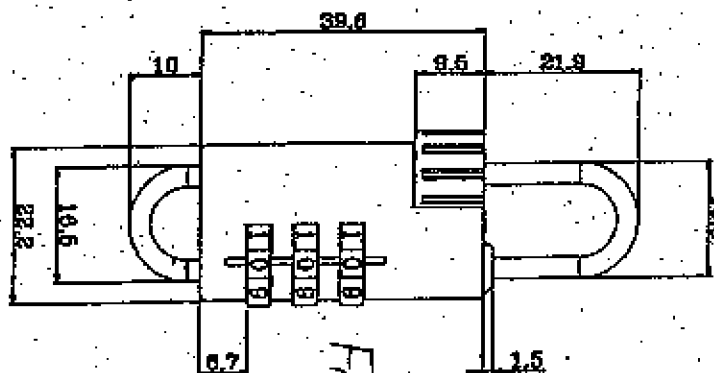
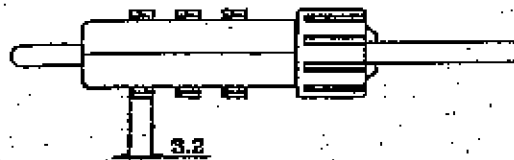


Fig. 1

Atty.: Nelson D. Nolte
Exp. Mail No. EL 791402592 US

· Reg. No. 42,938
· CBBC 8589US ·



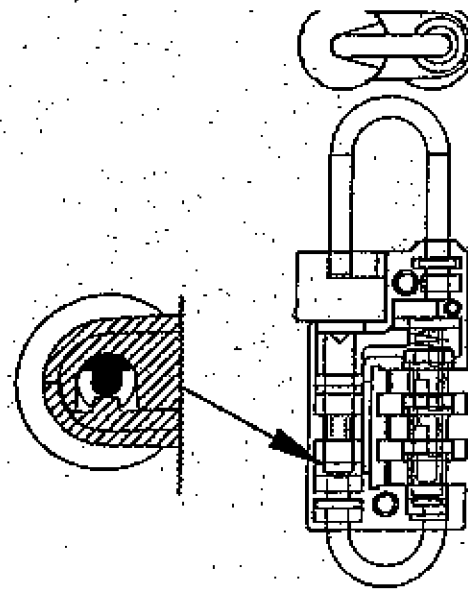


Fig. 3

↑
RESET

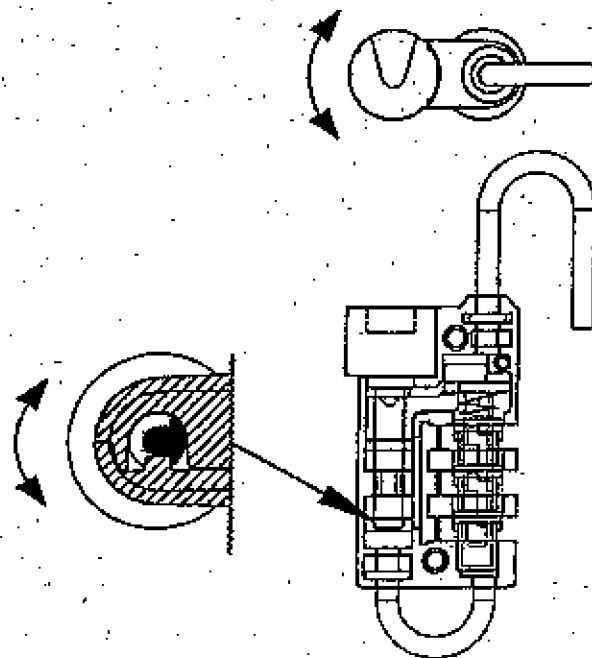


Fig. 4

OPEN

Atty.: Nelson D. Nolte
Exp. Mail No. EL 791402592 US

Reg. No. 42,938
C8BC 8589US

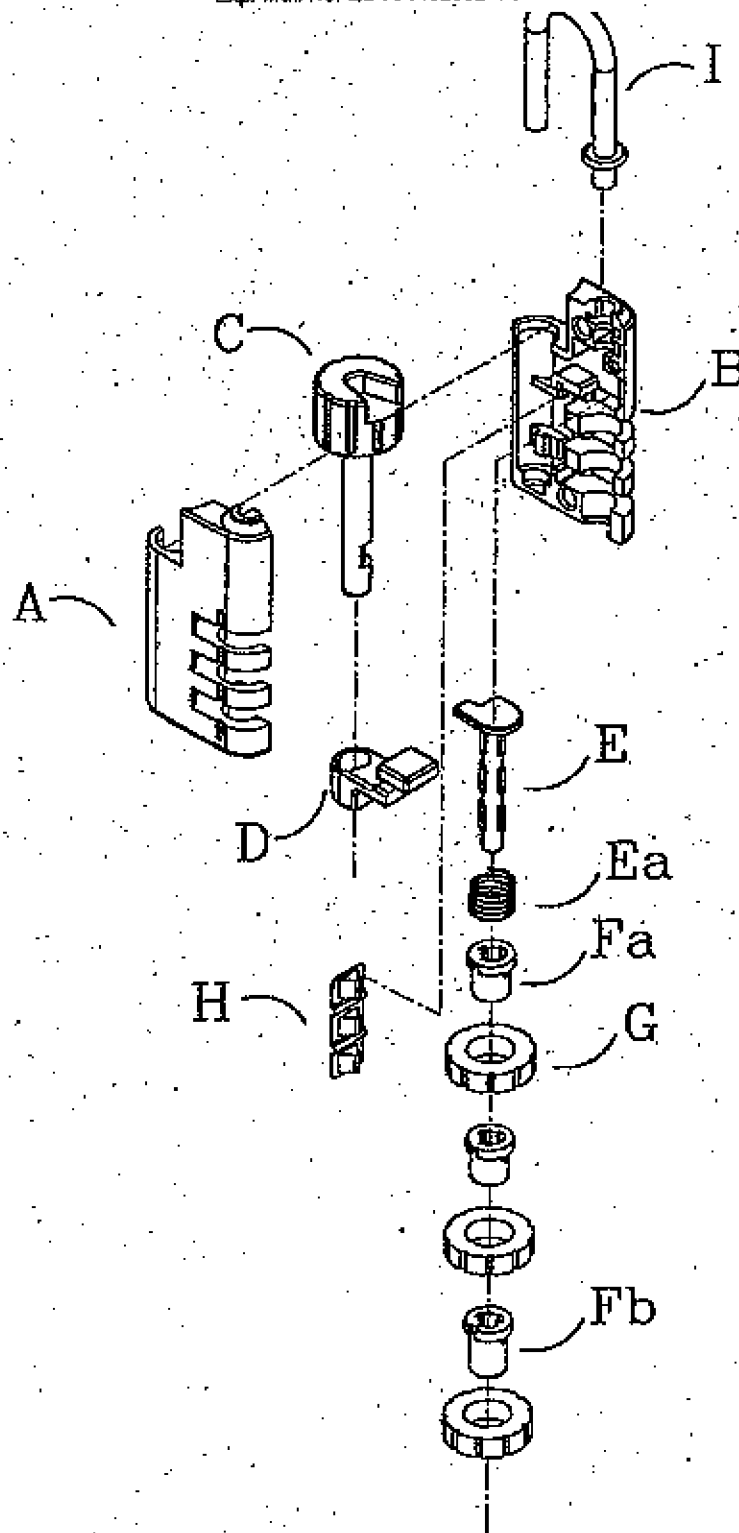


Fig. 5

Fig. 6A



Fig. 6C

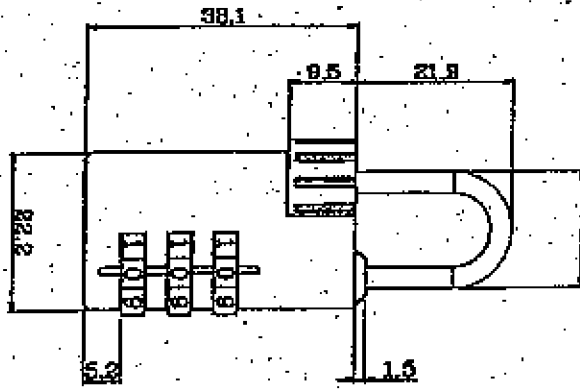


Fig. 6B



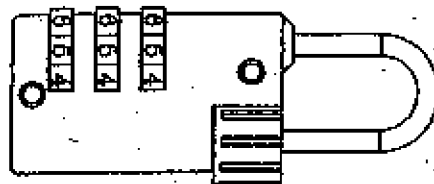
Fig. 6D



Fig. 6E



Fig. 6F



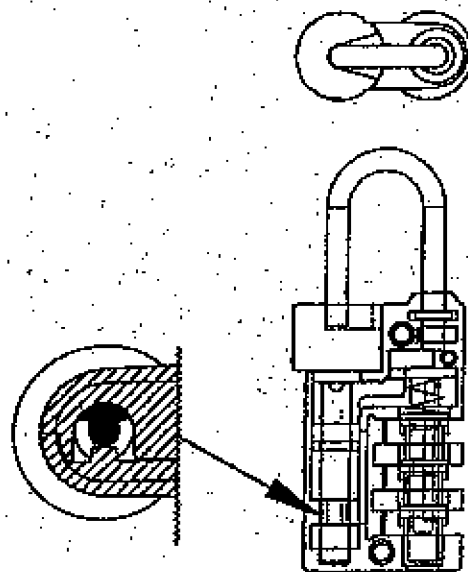


Fig. 7

LOCK

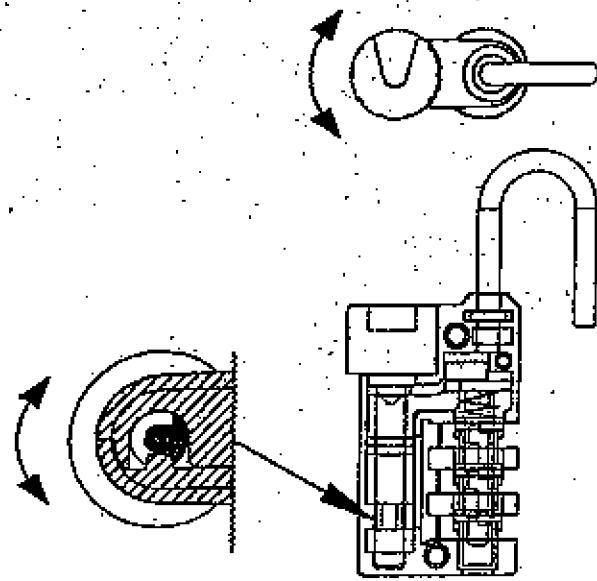


Fig. 8

OPEN

Atty.: Nelson D. Nolte
 Exp. Mail No. EL 791402592 US

Reg. No. 42,938
 CBBC 8589US



Reset Position



Locked Position
 (after entering combination)



Reset Position



Fig. 11

Fig. 10

Fig. 9

023